



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2301515
Applicant Name: Mark Johnson for Seattle Parks & Recreation
Address of Proposal: 8001 Seaview Av NW

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit to construct walkway paving and seat walls.

The following approvals are required:

- **Shoreline Substantial Development Permit:** To allow for construction of walkway paving and seat walls in a Conservancy Recreation (CR) Shoreline environment.

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ EIS

☐ DNS with conditions*

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site

The subject, oddly shaped parcel is a waterfront lot located in the Ballard Area of Northwest Seattle, with the development site located in Golden Gardens Park. Zoning on this site is Single Family 9600 (SF 9600). The majority of the parcel lies within two designated shoreline zones, one Conservancy Recreation Environment (CR) and the other Conservancy Preservation Environment, with the structure located completely within the CR shoreline environment.

Currently, the site is developed with one (1) structure. Access to the site is from Seaview Ave NW which is paved with concrete curbs, gutters but has no sidewalks. The existing structure (Bath House) was originally constructed in 1929 for shower and changing rooms.

Vicinity

Development surrounding the site is minimal. Golden Gardens Park is a large public open space which provides a large grass field (north central), beach area (west), natural habitat area (north), and many picnic areas. To the east of the site is the Loyal Heights Neighborhood where zoning is Single Family 9600 and 7200 respectively. Loyal Heights is located 300' above the beach on the bluff due east of subject site.

Proposal

Preceding this Shoreline Substantial Development Permit (SSDP), a building permit (MUP No. 2304486 Permit No. 738842) was issued for the building renovations as well as the paving actions which received an exemption from the Shoreline Management Act on September 19th 2003. Under the related building permit and this Shorelines permit, there are no changes of use proposed, as the structure and uses are existing. The uses and consistency with the overall Land Use code were reviewed under the preceding building permit. The exempted portion of the paving around the structure is as follows: 2,097 square feet on the west side, 1,288 square feet on the east side and 1,675 on the south side. The non-exempt work and the scope of this permit include the paving of additional portions of the site surrounding the bathhouse including two seat walls. To the west side of the structure, 571 square feet of additional paving is proposed with a twelve (12") inch high seat wall. On the east side of the structure, 1,313 square feet of additional paving is proposed in the form of a patio. On the south side of the structure, 732 square feet of additional paving is proposed with a second (24") concrete seat wall.

Public Comment

No public comments were received during the public comment period, which ended on October 24, 2003.

Other Agency Comment

On July 16th, 2003 the Landmarks Preservation Board voted to grant a certificate of approval for the exterior and interior renovations of the Bath House, with the condition that the proposed mechanical louvers on the south elevation are subject to review and approval by the Board's Architectural Review Committee. The renovation of the structure was reviewed under (MUP No. 2304486 Permit No. 738842).

The subject of this permit is solely the additional paving and seat walls that were not subject to an exemption from The Shoreline Master Program.

ANALYSIS – SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

- A. The policies and procedures of Chapter 90.58 RCW;*
- B. The regulations of this Chapter; and*
- C. The provisions of Chapter 173-27 WAC.*

A. RCW Chapter 90.58

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, The City of Seattle and other jurisdictions with shorelines, adopted a local shoreline master program that was codified in the Seattle Municipal Code Chapter 23.60. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions.

The proposed alterations and paving have been designed and mitigated to ensure minimum impact to the public health, land, and the waters of the state, and their aquatic life. The location and the design of the paving seat walls will not interfere with the public rights of navigation and corollary rights, thus providing for the management of the shorelines by planning for and fostering all reasonable and appropriate uses. Therefore, the subject application is consistent with the policies and procedures outlined in RCW 90.58.

B. SSMP Chapter 23.60

Chapter 23.60 of the Seattle Municipal Code is known as the "Seattle Shoreline Master Program." In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the approval criteria set forth in SSMP 23.60.030.

Development standards of the shoreline environment and underlying zone must be considered, and a determination made as to any special requirements (shoreline conditional use, shoreline variance, or shoreline special use permit) or conditioning that is necessary to protect and enhance the shorelines area (SSMP 23.60.064).

The proposal is subject to the Shoreline Policies of the Seattle Shoreline Management Program (SSMP 23.60.004), because the site is located within the shoreline district and cannot be exempted under SMC 23.60.020-C. Additionally, the applicant must show that the proposal meets the criteria and development standards for the shoreline environment in which the site is located and the underlying land use zone in which it is located (SSMP Section 23.60.090-A); any applicable special approval criteria; general development standards; and the development standards for specific uses.

The purpose of the CR shoreline environment is to protect areas for environmentally related purposes, such as public and private parks, aquaculture areas, residential piers, underwater recreational sites, fishing grounds, and migratory fish routes. The code allows for shoreline recreational uses to be permitted outright in the CR shoreline designation. The shoreline recreational uses are defined as an open space use which consists of a park or park like area which provides physical or visual access to the water (SSMP 23.60.360). As a result the principal use of the subject parcel is park, with the uses existing in the Bath House structure being accessory and clearly incidental and necessary for the operation of a permitted principal use (SSMP 23.60.092). The related eating and drinking establishment was previously established in 1959 by permit and is recognized as being previously established with the existing bath house structure. The accessory uses listed on the coversheet of the permit application by the applicant include: restrooms, office, storage, a wet classroom and cafe.

Additionally, the proposed project must also meet the development standards of the underlying Single Family 9600 zone (SMC 23.44). The Director may attach to the permit or authorize any conditions necessary to carry out the spirit and purpose of, and ensure the compliance with, the Seattle Shoreline Master Program (SSMP 23.60.064).

SMC 23.60.152 - General Development Standards

These general standards apply to all uses in the shoreline environments. The standards require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. All development and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas.

The project proposal will be consistent with these development standards for the following reasons: The Stormwater, Grading and Drainage Control Code regulates new development and land-disturbing activities and requires best management practices be used to accomplish the control of erosion and the transport of sediment from the site by mulching, matting and/or the

use of silt fences; permanent stabilization of exposed soils that are not being actively worked by the installation of permanent vegetative cover and/or installation of slope protective materials; and, the control of the introduction of contaminants and pollutants, and reduction and treatment of contaminants in City systems by the regular cleaning of catch basins, gravel truck loading and heavy equipment areas, sweeping, and maintaining erosion control protective features. The proposal will not require any work within the waters of the Puget Sound and grading on the site will be minimal (fill of 25 cubic yards).

SMC 23.60.390 - Development Standards for CR Environment

All development must conform to the development standards in the CR Shoreline Environment. The maximum height in the CR environment is fifteen (15') feet with an additional five (5') feet allowed for pitched roofs (SSMP 23.60.392). The existing bath house is over the height limit of the zone, but per SSMP 23.60.124-A, "A nonconforming structure may be maintained, renovated, repaired or structurally altered but shall be prohibited from expanding or extending in any manner which increases the extent of nonconformity, or creates additional nonconformity, except as otherwise required by law, as necessary to improve access for the elderly and disabled or to provide regulated public access." The proposal calls for no change in height and as a result the height of the structure is compliant with the Land Use Code.

All buildings will occupy a very minimal portion of the entire lot and the CR Environment allows structures to occupy up to 35 percent of a waterfront and or single family zoned lot (SMC 23.60.396-A&B). A view corridor is required for all waterfront lots except those developed with single-family dwellings. There is no change in the amount of view corridor provided; the proposal meets the view corridor requirement. The proposal and existing conditions provide more than ample public access, as the existing vehicle drive, pedestrian pathways and previously mentioned additional paving areas meet the requirements set forth in SSMP 23.60.160.

SMC 23.44 – Single Family Development Standards

The project proposal must meet the development standards of the underlying Single Family 9600 (SF 9600) zone. The development proposal has been reviewed by a Land Use Planner who has determined the project complies with the required development standards. The proposal meets the height, related setback, screening and access standards as required by the underlying single family zone. There is no change in use, access, parking, structure height, lot coverage, or yards proposed by the project

C. WAC Chapter 173-27

WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter 23.60 is also consistent with WAC 173-27 and RCW 90.58.

Conclusion

Development requiring a Shoreline Substantial Development Permit can only be approved if it conforms with the policies and procedures of the WAC, RCW and with the regulations of Chapter 23.60, Seattle Shoreline Master Program.

The project as proposed meets the specific standards for development in the Conservancy Recreational Environment. It also conforms to the general development standards, as well as the requirements of the underlying zone, and therefore should be approved.

Pursuant to the Director's authority under Seattle's Shoreline Master Program, to ensure that development proposals are consistent with the policies and procedures, and conforms with specific development standards of the underlying zone, and having established that the proposed use and development are consistent with the Seattle Shoreline Program, the proposal is hereby approved. Thus, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

DECISION – SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposed action is **GRANTED**.

SSDP CONDITIONS

For the Life of Project

1. Hours of operation for concessions stand/café shall be limited from dawn until dusk in line with the existing park hours.

Signature: (signature on file) Date: December 4, 2003
Lucas DeHerrera, Land Use Planner
Land Use Services
Department of Design, Construction and Land Use